SURVEY AND REVISION OF
ASSESSMENT IN THE
RUTNAGHERRY COLLECTORATE

WINGATE

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SELECTIONS FROM THE RECORDS OF THE BOMBAY GOVERNMENT.
No. II.

REPORT BY CAPTAIN WINGATE,

SUPERINTENDENT OF REVENUE SURVEY AND ASSESSMENT, SOUTHERN MAHRATTA COUNTRY, (NOW REVENUE SURVEY COMMISSIONER,)

ON THE SUBJECT OF INTRODUCING A

SURVEY AND REVISION OF ASSESSMENT

IN THE

RUTNAGHERRY COLLECTORATE:

ALSO

110017ac

A LETTER FROM THE REVENUE COMMISSIONER, S. D.,

SUBMITTING THE ABOVE REPORT,

AND

THE INSTRUCTIONS ISSUED BY GOVERNMENT.

Printed for the Information of the Revenue Officers under the Government of Bombay.

H. E. GOLDSMID,
Secretary to Government.

Revenue Secretary's Office,
8th September 1852.

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No. 1192 of 1851.

Territorial Department,

Revenue.

To

H. E. Goldsmid, Esquire,

Secretary to Government, Bombay.

Sir,

With reference to the correspondence quoted in the margin, I have the honor to transmit a report from Captain Wingate, dated 30th January, on the subject of surveying the Rutnagiri Zilla.

Chief Secretary to Revenue Commissioner, 15th August 1849 (No. 5012), forwarding extract of a Despatch from the Hon'ble Court of 30th May.
Chief Secretary to Revenue Commissioner, 12th September 1849 (No. 5566.)

2. The first question for disposal is, apparently, whether this survey and assessment should be undertaken or not: next, how far Government should, through its means, interfere with the existing privileges of the khotes, and protect the subordinate reiyuts from their extortions.

3. "The whole land of the Collectorate, not absolutely sterile, may, the Superintendent remarks, be considered under cultivation": this circumstance removes one argument which is generally advanced in favor of a new assessment, viz. that the reduction of rates will bring a large quantity of land into cultivation. This argument, therefore, does not apply to the Southern Konkun: two questions, however, remain for disposal,—1st, Whether the present assessment would, in some places, admit of being raised? 2nd, Whether, if it would not, *any*, and sufficient reasons exist for introducing a revenue survey?

12th paragraph.

4. Whether a revised assessment would, to any great extent, raise the revenues payable by any districts or villages, is a question which, with the little local information we possess, it would, I conceive, be premature to discuss; but this is, I would respectfully observe, a very minor point of consideration.

5. The principle which is supposed to have generally influenced Government in ordering revenue surveys, is the desire to ascertain the capabilities of the land and of the people, in connection with established customs, and to reduce or raise the assessment, as shall appear equitable, and consistent with the respective rights of the governors and their subjects; and though it is very satisfactory, when in the prosecution of this important and equitable principle, "brilliant success follows the survey and revision of assessment," and very possible that in the Konkun "the unpromising financial prospects of a survey will *(not)* be compensated by any immediate or marked improvement," still, I submit, if the Government demands upon this district are too heavy, they should be reduced: not to do this, would be to continue to subject this already impoverished district to an assessment which is, in many places, a rack-rent, and that merely because the result would not be an increase of revenue: such a principle I respecfully trust that Government will not adopt.

74th paragraph.

6. All revenue officers who have had any practical acquaintance with the Southern Konkun will, probably, admit that its assessment is very unequal, and in some places ruinously high. Captain Wingate thus writes: "there are other features of the existing state of things open to objection, and seeming to call for change or improvement. In both khotee and kowlargee villages,

63rd paragraph.

the assessment is generally complained of, as being oppressively high, and I think must have the effect of preventing the improvement of the land:" "the garden assessment is often injuriously high:" "it would be a desirable preliminary to revise the assessment of all garden lands" before Government pledge itself not to assess any new gardens.

7. The same officer again thus writes:—"The present assessment of a large proportion of the Konkun villages is believed to be very burdensome, and it is probable that it would admit of being increased in very few instances indeed: a revision of assessment would most probably, therefore, occasion a considerable reduction of revenue." I trust, however, that his Lordship in Council will coincide in the very just remark which follows:—"*this, however, forms no valid reason against a revision, if found necessary for the welfare of the district.*"

73rd paragraph.

8. The Superintendent then proposes to undertake "an experimental survey and assessment of detached villages, several of which are now under Government management, owing to the khotes having failed to discharge their assessment," and for this duty Captain Wingate proposes to detach "a single officer, of judgment and experience, with a small, but efficient establishment of measurers, and a few classers," who would, in his opinion, suffice for the prosecution of the experiment, which might be brought to a close at the end of one or two seasons.

75th paragraph.

76th paragraph.

9. While extremely reluctant to differ in opinion from an officer of the Superintendent's experience and judgment, I am unable to concur in this proposition, which in reality throws over the question of the survey, and instead of taking up a whole talooka, which would appear sufficiently small as a commencement for a department so efficiently conducted as Captain Wingate's, would limit its operations "to a few detached villages:" neither am I certain what "experiment" is to be tried: that the Konkun assessment is very unequal, and in many places ruinously heavy, hardly admits of dispute; even, therefore, though the few detached villages in question should afford no remarkable instances of under or over assessment, no one would be thence persuaded that the Konkun generally was equitably assessed. I trust, therefore, that Government will allow the "experiment" (if such it be) to embrace *at least* one talooka; and, considering the novelty of the country, and the peculiarity of its features, tenures, and population, I should hope that the Superintendent would conduct the operations in person. His judgment and practical experience would probably be in greater requisition here than in any other district.

10. The question whether and how far Government should interfere with the khotes and their tenants, is necessarily subordinate to that of whether the survey is to be undertaken or not; and at this stage of the matter, it would be superfluous to enter into any minute questions on this part of the subject. The reiyuts of the Konkun are of various classes, and the same rules will not apply to all. The dharakurees, and the merasdar mhars, are of more ancient standing than the khotes themselves; and their rights are, or can be clearly defined. Of the other reiyuts, some have rights, which if not so clearly defined, yet do exist, and should be inquired into and protected, in order that their subjection to the khote may not, in practice, be as complete as that of tenants-at-will, put in by him or his ancestors, and who have subjected themselves to any terms which the khote chose to impose.

40th paragraph.

48th paragraph.

11. The khotes are of almost every caste and every condition in life: some are poor peasants—some are men of wealth and intelligence: that all these men cannot justly be subjected to the same sweeping condemnation will, perhaps, be admitted; but, till a light and equitable assessment is imposed on the Konkun, it is evident that many khotes must be bad landlords: where the head landlord extorts more than his share, each subordinate must, for self-preservation,

47th paragraph.

extort from the next below him. The way to give khote and tenant a fair chance, is for Government to reduce its demands wherever they exceed a fair proportion of the produce. When this is done, the khotes will be able to deal liberally with their tenants, which now in many instances they cannot possibly do.

12. I should be sorry, therefore, to see Government resort to so "extreme a measure" as "the total abolition of all the rights and privileges of the khotes." I cannot suppose that there would be any great difficulty in modifying and controlling the power of the khotes; but I do not think that "this desirable end can be accomplished without the aid of a survey," and this assertion is supported by the fact that, since the possession of the Konkun by the British, this desirable object has hitherto been unattained.

56th paragraph.

13. In dealing with the rights and privileges of the khotes, it is well to bear in mind that "the circumstances of the Konkun are peculiarly those in which the utmost circumspection should be used before determining or altering a state of things which has subsisted in most parts for nearly a century," and perhaps in many for a much longer period. The fact, however, that the "survey took place many years ago," in no degree militates against the right of Government to institute a new one whenever it may see occasion to do so, and every khote or dharakurree in the Konkun will readily admit the right of Government to alter his payments at the next survey, an event to which frequent reference is made in kowls, and almost all documents of a prospective character.

72nd paragraph.

14th paragraph.

14. I quite agree with the Superintendent that all gratuitous service exacted from hereditary tenants should be abolished: where a reiyut, however, has come into a village, and agreed to take a field on certain terms, inclusive of a certain amount of manual labour, such labour is not really gratuitous—it is part of the rent of his field. I also fully concur with the Superintendent that it is necessary to define the respective rights of the khote and his tenant, but I may here express a respectful hope, that the fact that the former have "*rights*" as well as the latter, will be borne in mind; and that if the Konkun has suffered from too heavy assessment, the *khotes* are not answerable for the extreme poverty of the people, with whom they are in many cases fellow-sufferers from the same cause.

51st paragraph.

52nd paragraph.

15. Government will, I doubt not, concur in the Superintendent's opinion, that the grain rental should be everywhere replaced by a fixed money rent. This desirable reform has, I believe, long occupied the attention of Government.

64th and 65th paragraphs.

16. In conclusion, I can only express a respectful hope that Government will sanction the immediate survey and assessment of at least one talooka in the Southern Konkun; which work, if intrusted to Captain Wingate, the latitude and discretionary power solicited may safely be granted: that a fixed money payment be substituted for a grain rental; that the respective rights and privileges of the khotes and reiyuts, of whatever class and description, be fully inquired into and clearly defined, and gratuitous service of hereditary reiyuts be abolished.

76th paragraph.

17. I have the honor to transmit the original correspondence received with the report, and to be, &c.

(Signed) E. H. TOWNSEND,
Revenue Commissioner, Southern Division.

Nassik Districts, Revenue Commissioner's Camp,
Sinnur, 10th March 1851.

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No. 44 of 1851.

To

E. H. Townsend, Esquire,

Revenue Commissioner, Southern Division.

Sir,

I have now the honor to submit my opinion and report on the question of undertaking a survey and revision of assessment of the Rutnagiri Collectorate, in compliance with the instructions contained in your communications, Nos. 3310 and 3727, dated respectively 22nd August and 26th September 1849.

2. The preparation of this report has been unavoidably delayed till now, to enable me to collect information, and owing to my late absence on leave to Europe.

3. Mr. Coles, the Collector of Rutnagiri, has furnished me with the full and well-selected collection of papers noted below, relating to the landed tenures and revenue management of his charge. These papers contain, I understand, nearly everything of importance that has been written on these subjects, from the accession of our Government up to the present time. They are, as far as practicable, arranged according to dates in the following list, and will be found in the same order in the compilation,* which I think it best to forward with the present report, for the purpose of reference, as I have been informed that there is no similar collection either on the records of your Office or on those of the Secretariate. I beg that the compilation may be returned to this office when no longer required.

Nos.	Description.	Pages of Compilation.
1.	Extract from the Revenue Report for 1819-20, by the Collector, J. H. Pelly, Esq., No 573, dated 18th December 1820	1— 28
2.	Government reply, No. 148, dated 23rd January 1821	29— 36
3.	Further reply, No. 955, dated 28th June 1821	37— 42
4.	Mr. Commissioner Chaplin's Report, containing information on the internal management of the Southern Konkun, and the origin and nature of the prevailing khotee system	43— 68
5.	Revenue Report for 1821-22, by the Collector, J. A. Dunlop, Esquire, No. 70, dated 31st December 1822, containing a history of the khotes, with suggestions for the improvement of the system of revenue management	69— 90
6.	Government reply, No. 435, dated 25th March 1823	91— 94
7.	Extracts from the Revenue Report for 1823-24, by J. A. Dunlop, Esquire, Collector, No. 53, dated 15th August 1824, regarding the revenue system obtaining in the Rutnagiri Collectorate, with remarks on the prevailing tenures, and of the Government reply, No. 33, dated 15th January 1825	95—166
8.	Government letter No. 2157, dated 7th December 1825, forwarding extracts from the Hon'ble the Court of Directors' letter, dated 4th May 1825, to G. More, Esquire, Collector in the Southern Konkun, requesting to be furnished with his observations on the several points noticed by the Hon'ble Court in the 5th and 11th paragraphs	167—190
9.	Hints for the young Assistants to the Collector in the Southern Konkun, by R. C. Money, Esq.	191—212
10.	Report by Mr. Collector Reid, No. 94, dated 6th December 1828, containing an account of the system of revenue management actually existing within the Rutnagiri Collectorate, with explanations regarding the mode in which the jummabundee is formed, and the principles which regulate the settlement	213—232
11.	Account of the mode of survey used in the Revenue Survey of the Kuriat Newré and Kelé Mahals in the Rutnagiri talooka, completed in May 1827	233—250
12.	Survey Report of the Rutnagiri talooka, by Lieutenant Dowell, dated 1st November 1829	251—402

* Not printed.

Nos.	Description.	Pages of Compilation.
13.	Extract from Mr. Pyne's Jummabundee Report for 1830-31, with remarks on Lieutenant Dowell's survey	403—442
14.	Collector Glass's letter to Government, No. 29, dated 5th May 1837, stating the origin of the tenure by which the khotes claim to be considered as wuttundars and landlords of their estates, with accompaniments	443—460
15.	Government letter, No. 3810, dated 24th October 1844, forwarding extract paras. 26 to 28 from a despatch, No. 10, dated 15th May last, from the Hon'ble the Court of Directors, relative to the rights of the khote	461—464
16.	Government letter, No. 1710, dated 16th April 1845, to Revenue Commissioner, Southern Division, intimating that Government concurs in his opinion of the inexpediency of applying to khotes a legislative enactment for limiting the right of re-entry	465—472
17.	2nd Assistant Collector and Magistrate's letter to the Collector and Magistrate of Rutnagiri, No. 2, dated 27th February 1839, expressing his opinion more generally on the subjects which comprise the numerous complaints presented by the reiyuts of the Anjunwel talooka	473—484
18.	2nd Assistant Collector's letter to the Collector of Rutnagiri, No. 5, dated 14th January 1839, reporting the result of his investigation on three petitions, presented by the reiyuts of Anjunwel talooka	485—500
19.	Mr. Coles's letter to Captain Wingate, No. 1517, forwarding copies of Lieutenant Dowell's report, and Mr. Sub-Collector Pyne's remarks thereon, and affording further information regarding the revenue system and the privileges of the khotes	501—510
20.	Mr. Coles's letter to Captain Wingate, No. 1687, dated 7th November 1849, regarding revenue arrangements in koolargee and khotee villages	511—514
21.	Mr. Coles's letter to Revenue Commissioner, Southern Division, No. 678, dated 2nd June 1849, reporting the progress he had made in the preliminary inquiries entrusted to him, previous to the introduction of a Revenue Survey	515—536

4. I have carefully perused the whole of the foregoing documents, and was able to verify my impressions of their contents, as well as to obtain some additional information, during a fortnight's tour in the Rutnagiri districts last season, when I had the further advantage of conferring personally with Mr. Coles, who had made the subjects under consideration his diligent study, and most kindly furnished me with much valuable information on the state of his charge.

5. The tenures and revenue system of the Southern Konkun are fully discussed in the documents just alluded to, and must be familiar to Government; but as the proposals I have to suggest bear immediately upon these subjects, I think it will place them in a clearer light if, at the risk of appearing tedious, I preface my proposals with a short description of the country, and the circumstances to which they are intended to apply. In doing this, I will make use, as far as possible, of the words of the writers of the above correspondence, and quote in the margin my authority for all statements, not based on my own observation, that appear to be of importance.

6. The tract of country forming the present Collectorate of Rutnagiri lies between the Syhadree range of ghauts and the sea, from the Saveetru or Bankote river on the north, to the state of Warree and the Portuguese territory of Goa on the south. The total length of the Collectorate, from Bankote to the Rairee creek, may be estimated at 159 miles; and its extreme breadth, from the ghauts to the sea, at 45 miles.

7. The whole tract is hilly and rugged, but yet presents characteristic features in different parts. In the neighbourhood of the ghauts the valleys are more open and the hills less rugged than towards the central part of the Collectorate, which consists of little else than a congeries of rugged jungly hills. These again towards the coast subside into elevated plateaus, nearly level, but rendered in great part sterile by a capping of laterite rock, and which are cut through by deep, narrow, steep-sided valleys and ravines, through which the various rivers and streams flowing from the ghauts find their way to the sea. These rivers are tidal, and navigable for some miles into the interior,

which has determined the situation of all the chief ports of the Southern Konkun, as Mahar, Chiploon, Rajapoor, and others. Nearly all the fertile land in the Collectorate is found along the banks of these rivers or salt-water creeks, in the neighbourhood of the sea; but its extent is very limited. The soil of the rest of the country is miserably poor, and consists in great part of a stiff, ferruginous clay, often mixed with gravel.

8. Cultivation is of three kinds: garden, rice, and dry crop, or wurkus.

9. The garden chiefly consists of cocoanut plantations, which are watered from streams or wells, although on the finer kinds of sandy soils, along the sea coast, the trees thrive with little or no water after having attained a certain height.

10. The better kinds of rice land grow also sugar-cane and second crops of rice, or some description of pulse or vegetables. In the villages along the creeks, many valuable rice lands have been recovered from the sea, by damming out the salt water by masonry walls, or earthen embankments. Most of the rice land of the Collectorate, however, is of inferior quality, and yields only one crop. As far as I have seen, all the level spots of land, in situations where water will drain into them during the monsoon, have everywhere been converted into rice grounds. This description of culture, however, might be still further extended by terracing the slopes.

11. The great proportion of the cultivation, however, is "wurkus," or that of dry grains. This cultivation is pushed over every part of the surface of the Collectorate, where there is soil to raise a crop at all, even to the summits of the highest hills. The wurkus land may be divided into the more level parts where the plough can be used, and the steeper slopes admitting only of cultivation by manual labour. The rice land is cropped annually; but from the want of sufficient manure the wurkus requires fallows. The best kinds bear crops for five or six successive years, and then require a fallow of nearly equal duration. The inferior kinds require longer fallows; and the worst will only bear two crops, it is said, in twelve years. Lieutenant Dowell, in his Survey Report for the talooka of Rutnagiri, written twenty years ago, estimated the proportion of the wurkus under-crop each year at one-sixth; but from what I have observed and learnt, I should imagine that this is now nearer one-fifth, or one-fourth, owing to the increase of population and the difficulty of obtaining subsistence. The hill wurkus is not cleared of trees for cultivation. The trees are merely stripped of their lower and smaller branches, and the crop is planted out among the stems; the trees being required to provide leaves for manuring the rice land.

12. The whole land of the Collectorate, not absolutely sterile, may be considered to be under cultivation, either with annual crops, or with occasional crops, and fallows. Some small patches are, indeed, reserved for the growth of trees in the barer parts, to supply branches and leaves to burn with cow-dung as a manure for the rice land, but these, too, may properly be viewed as under cultivation, and, so far as I have seen or can learn, there is now little if any unappropriated waste, which is never cultivated, to be found in the Collectorate.

13. The Collectorate is divided into the five talookas of Soovurndroog, Anjunwel, Rutnagiri, Viziadroog, and Malwan, and contains in all 1336 villages, hamlets, &c. The revenue management is either koolargee or khotee, but the khotee system greatly preponderates, and the koolargee villages do not amount to one-tenth of the whole.

Vide 2nd para. of Mr. Collector Coles's letter, dated 6th October 1849, at page 501 of Compilation.

14. Mr. Pelly, when in charge of the Konkun, stated in his Jummabundee Report for A. D. 1819-20, "that in the koolargee system each cultivator is understood to stand assessed at a certain fixed rental on the public records, beyond which nothing can properly be levied of him." According to Mr. Chaplin, "in koolargee villages the jummabundee is fixed, and the reiyut pays the same rent invariably for his land until a new Pahanee (survey) takes place, but he pays it either direct to Government or to the head of the village for Government. Mr. Collector Dunlop, in his Revenue Report for 1821-22, informs us that the hereditary proprietors in the koolargee villages of the Koodal Pranth are called gamkurs, or khutelees; the former having a right to the

Vide para. 8, at page 5 of Compilation.

Vide para. 11, at page 52 of Compilation.

Vide para. 6, at page 71, and para. 21, at page 80 of Compilation.

management of the village, but both paying revenue alike, while those of the villages further north are styled dharakurrees." Lieutenant Dowell, in his report on the survey of the Rutnagiri talooka, written in 1829, states that "the koolargee villages are those in which all the lands are held by dharakurrees, or independent proprietors. In these villages there are khotes or mahajuns, and other village officers; but they have no proprietory right over the lands of dharakurrees. The land is held on a tenure similar to the merasee, every field belonging to some person who is called a wuttundar, in consequence of possessing it, and from which he cannot be ejected while he continues to pay the revenue: the customs regarding these lands are nearly the same as in the Dekhan."

Vide para. 18, at page 269, and para. 23, at page 276 of Compilation.

15. But I am not certain that these descriptions convey a complete idea of the koolargee system; and I will, therefore, add a few words in explanation of my own view of it.

16. In the koolargee villages, the whole arable lands were long ago appropriated by the members of the community, and the portions of land in the possession of each individual or family represented by him were registered at the last or some former survey as his dhara, or estate; and generally still continue to be so. These dharas, or estates, are of all sizes, frequently consisting of fields situated in different parts of the village area, and sometimes of only one small plot, or even of a single tree.* Each of these dharas bears the assessment settled at the last survey, which remains unchanged from year to year, until Government undertakes another survey and revision of assessment. But by inheritance, mortgage, and sale, the dharas have generally become greatly subdivided, and have occasionally changed hands altogether since the last survey. Of their interior management, however, Government takes no account; but requires that some one of the co-proprietors shall each year become responsible for the payment of the assessment at which the property is rated in the public books, which he collects from his co-proprietors or their sub-tenants according to their own private arrangements. The tullatee, or coolkurnee, keeps an account for each of these dharas, or estates, under its original name, but enters in it also the name of the manager for the year. When, from disagreements amongst the proprietors, or from inability to pay the assessment, no one of them will pass his agreement to pay the revenue, the Collector attaches the dhara, and collects a share of the produce, according to the usage of the village or district, from the actual cultivators of it, whoever they may be. Attached dharas are also sometimes let by the Collector on lease to third parties, but the original proprietors, however, have been allowed to obtain the management again, on paying up any deficiency in the revenue realized compared with the regulated assessment during the time the estate may have been administered by the Collector.

Vide 2nd para. of Mr. Collector Coles' letter, dated 7th November 1849, at page 115 of Compilation.

17. The koolargee system was in its origin probably reiyutwar, as the dhara was most likely all the land, wherever situated, in the possession of one reiyut at the time of some former survey; but it has with the lapse of time become an assessment upon certain portions of the village lands, without reference at all to the persons by whom they may be owned or cultivated. The limits of these dharas, or even the parts of the village in which different portions of them are situated, cannot be learned from the public accounts, which only show the details of the assessment at which they are rated. They are, however, well known to the dharakurrees themselves; and from the fact of every part of the village lands being in the occupation of some one, I have little doubt but that the boundaries of the several estates composing it are very permanent.

18. The koolargee villages are mostly situated along the coast, and the banks of the several salt-water creeks. They contain most of the baghayut or oart cultivation, and are extremely populous. The land has been greatly improved in many instances, by

* In the village of Lanjé, Rutnagiri talooka, there is a dhara consisting of a single jack-tree; the annual assessment on which is three annas, six pies.

digging wells, embanking from the sea, and even by the laborious process of covering the bare rock with earth brought from a distance. They mostly enjoy the great advantages of a water communication with the markets for the disposal of their produce, employment for the surplus population in fishing or as boatmen, and easy access to Bombay. These villages are said to be generally more highly assessed than the khotee. Lieutenant Dowell states that in the Rutnagiri talooka the amount of revenue paid by the latter is Rs. 1-3-4, and in the former Rs. 3-8-9 per acre; and adds, that a small part of this difference is accounted for by the comparative richness of soil in koolargee villages. The capital sunk in permanent improvements in koolargee villages is certainly vastly greater than in khotee; and with every allowance for advantages of situation, the chief cause must be sought, in my opinion, in the different landed tenures obtaining in the two.

Vide para. 19 of his Report, at page 270 of Compilation.

19. The khotee villages, as already stated, are by much the most numerous; and as upon the view taken of the khotee tenure will depend the nature and extent of any revenue and administration reforms, whether by means of a survey or otherwise, capable of being introduced into these villages, I shall make no excuse for examining the khotee system at considerable length.

20. Mr. Pelly has stated, in his Revenue Report for 1819-20, that "the origin of the khotes is not easy to be traced, but it is believed they were introduced along with a grain rental no longer time back than about the time of Nizam Shaw. The principal benefit arising from their institution is the facility with which, through them, the revenues are collected; for the more respectable of them are capitalists, who lay out money in bringing new land into cultivation, and may be considered as a description of yeomanry. They may be separated into two classes, the wuttundar khotes (as they term themselves) and the sircarree. The latter are liable to be at any time displaced by Government. The wuttundar khotes, on the contrary, maintain that they possess an hereditary indefeasible right, and that they cannot be dispossessed; and there is this strong point in their favor, that under the late Government they frequently pawned, and sometimes sold, their offices. The older inhabitants, however, of the Northern Konkun ridicule the combination of wuttundars and khotes as terms irreconcilable, maintaining that as khotee means only 'nukta,' farm or contract, to designate a man an hereditary contractor is an absurdity."

Vide paras. 13 to 16, at pages 12 and 13 of Compilation.

21. Mr. Chaplin, from information obtained at Poona, was of opinion that the "khote is the farmer of the revenue, and is alone answerable to Government for the rent, and the reiyuts to him. He farms the lands at the Government assessment, and lets them out to the best advantage to the reiyuts. In letting the lands he is not guided by the rent fixed by Government for each reiyut's land, but gets as much more as he can; nor has the reiyut any right to it, except on the terms which he can agree upon with the khote; the only limit to the khote's demand being the fear that the land may be thrown up without his being able to find another tenant for it. If the khote demands more than the reiyut can pay, the latter quits the village in search of a more liberal landlord. If the reiyut refuses to pay an equitable rent, the khote ejects him, and lets the land to a better tenant. Custom, however, appears to have fixed one-half the produce as the limit of rent, when the khote and the reiyut cannot agree on any other settlement. The khote exhibits uniformly every year in his accounts the Sircar's total jummabundee, whatever he may have levied from the reiyuts, so that Government does not know what they actually pay, nor whether the khote may gain or lose by his farm. The khotes are believed to have arisen during the government of the Beejapoor kings, and their sunnuds of appointment are said sometimes to specify that the person is constituted khote of the village to restore it to prosperity. This circumstance, added to the meaning of the word, renders it extremely probable that the origin of the system was a kowl or istawa lease, granted to individuals of property, to restore the prosperity and cultivation of ruined villages; but however this may be, it has grown into a regular established and acknowledged right of farm. The direct consequence of the khotwar system would seem to be to keep

Vide para. 6 of his letter, at page 46 of Compilation.

Para. 9, page 49 of Compilation.

Para. 10, page 50 of Compilation.

Para. 15, page 57 of Compilation.

Para. 16, page 58 of Compilation.

Para. 18, at page 61 of Compilation.

the reiyut in the lowest stage of poverty. He appears to be nearly in a state of villenage under the khote, and has scarcely any interest in the soil, since he neither gains by its improvement nor loses by its deterioration. The khote has little further interest in the reiyut than he has in the cattle or implements of his husbandry."

22. These opinions as to the absolute proprietory rights of the khotes over the disposal of the land were given in 1820 and 1821, shortly after we obtained possession of the country; but further acquaintance with the revenue system showed them to require considerable modification.

Para. 9 of his letter, at page 73 of Compilation.

23. Mr. Collector Dunlop, writing in 1822, stated that "some of the khotes are described as wuttundars, and others as having acquired the khoteship by mortgage of various kinds. The first, or wuttundars, are purely farmers, and are found principally in the villages along the ghauts. They are said to have had their rise from the distracted state of the province, the revenue of which was divided between the Waree, Kolapoor, and Angria's governments. These disturbances caused many villages to be entirely deserted, which were, therefore, farmed to any person who would engage for their revenue. These persons now claim, on the ground of length of possession, to be wuttundars. The cultivators appear to be generally becoming entirely dependent on the khotes, except those employed in the pagodas and religious services." Previously to these disturbances, the whole province seems unquestionably to have been koolargee. The other description of khotes distinguished as not being wuttundars, have generally acquired possession either by a single mortgage—the village to be released on payment of the debt—the produce "being accounted against interest, or by mortgage for a term of years. Villages thus mortgaged have generally been koolargee at the time, and the mortgagees collect at the rate of half-produce from the cultivators who have pawned their rights as khutelees; but it is understood that there are many cases in which all the khutelees have not signed the mortgage bond, and these persons appear to have a good claim for restitution. I have also met with khotes holding under mhal or soobah sunnuds, which not being held to confer a proprietory right under the Peishwa's Government, should not be admitted under ours. The unfortunate reiyuts are asserted to be quite dependent on the khotes, which is at least true, according to the present practice; but some representations were at different times made to Poona, when the Peishwa's Government interfered, and settled the rates. It unfortunately happens that most of the hereditary district officers, deshmookhs and deshpandeys, are also khotes, so that it is difficult to obtain information; but the practice of the former Government seems sufficient to authorize ours in establishing rules to restrain the exaction of the khotes."

Para. 10, page 73 of Compilation.

Para. 11, page 74 of Compilation.

Para. 14, page 75 of Compilation.

Para. 15, page 76 of Compilation.

Para. 18, page 77 of Compilation.

Para. 21, page 80 of Compilation.

Para. 22, page 81 of Compilation.

24. The cultivators or reiyuts in khotee villages (with the rare exception of such former dharakurrees as had parted with their rights under specified conditions, to which the khote was bound to adhere, such as to pay 1½, 2, or 2½ times the Government assessment on their lands as rent to him,) were supposed by all the above-mentioned officers to be mere tenants-at-will of the khote, under the name of urdhelees, who paid half the produce as rent; or khundkerrees, who paid any amount agreed upon to the khote, generally in kind.

25. The same view of the respective position of the khote and reiyut was adopted by this Government in 1825, as appears from the following remarks in the Government reply, No. 33, dated the 10th January of that year, to Mr. Dunlop's Revenue Report for 1823-24:—"There appears to be no reason to doubt that the khotes were originally farmers (as the name still implies in common language), but it is equally plain that many, if not all of them, have long been considered as enjoying a hereditary claim to these farms. Whatever may have, therefore, been the origin of their title, they appear now to have acquired a right with which it would neither be just nor politic to interfere.

Para. 2, page 153 of Compilation.

"The Governor in Council is therefore of opinion that any improvements should be confined to ascertaining and securing the rights of the other classes, without setting aside

Para. 3, page 154 of Compilation.

the claims of the khotes. If it can be ascertained beyond a doubt that a certain portion of the gross produce was—during some good period of the former Government, as in the time of Nana Furnuvees—the acknowledged rent due by a dharakurree to his khote, it might be rendered obligatory on the latter to prove his title to any further payment before he was allowed to levy it. The urdhelees do not appear to possess even a usufructuary right to the soil which they cultivate, but to change from place to place as they are invited by favorable terms. With them it seems unnecessary to interfere by any rule on the part of Government. The competition among the khotes themselves will always secure them the requisite remuneration for their labour."

Para. 6, page 158 of Compilation.
Para. 7, page 159 of Compilation.

26. In addition to the right of levying what rents he pleased, the khote was understood to have the right, and to be in the habit, of exacting one day's service in eight from all his tenants, or at least all who were not dharakurrees, or could not establish a right to exemption.

27. Such were the prevailing views on the subject of the relative position of the khote and his reiyut entertained by the revenue authorities of the Presidency, when a Revenue Survey of the Rutnagiri talooka was undertaken and placed under the superintendence of the late Lieutenant Dowell. The researches of this officer throw great additional light on the subject; but the record of them, completed twenty years ago, has lain in a great measure neglected on the shelves of the Rutnagiri office ever since; and I am not aware that they have been to any extent instrumental in changing the views of the khotee system propounded above, although the experienced evils of this plan of revenue management have brought about a general impression of the desirableness of some reform.

Lieut. Dowell's Report is not among the documents quoted by Mr. Spooner. For a description of the Khotee system, in his Report dated 12th June 1837, vide page 460 of Compilation.
Consult 4th para. of Mr. Collector Glass' Report, at page 444 of Compilation.

28. Lieutenant Dowell, in his report of 1st November 1829, gives the following description of the khotee system as it then existed in the Rutnagiri talooka, which I shall extract at length, as the most perfect account of the tenure I have seen:—"The khotee tenure is equally permanent with the koolargee, and possesses additional privilege. It is supposed to be of more modern origin (some villages have indeed become khotee within the last eighty years), and that the khotes were the farmers of the village revenue, who were suffered to remain till the tenure became hereditary, and that the present cultivators under the khotes are the families of the former dharakurrees, and of older standing in the villages than the khotes. They are usually called the kurdés, or tenants of the khotes, but are known among themselves as the wuttundars of the khotee villages. They consist of all castes, the koonbees being the most numerous, and they form the chief population of the talooka; each family, or each cluster of houses bearing the same family name, cultivate a portion of the wurkus land within fixed boundaries, and manage the crops and fallows without reference to the khote, who examines, however, at seed time the state of the cultivation, and goes round at harvest to collect his dues. The khotes usually divide the rice-land among their own family, each member of which holds also a piece of wurkus land like the other cultivators.

Vide paras. 24 to 26 pages 276-282 of Compilation.

"The rights of the kurdés, as they are merely customers, are not the same in all villages; the commonest of these are the following:—A kurdé who pays his revenue cannot be ejected by the khote, nor can the khote or any other kurdé cultivate within his bounds, except by his permission, as long as he cultivates himself the accustomed portion; if a khote wishes to eject any troublesome kurdé, his only means is to assess his fields above what they can pay, which has been known to occur; the kurdé, however, might still remain in his own garden, and cultivate the surplus khotee lands of the village, but if he were to settle in another village, he would not acquire wuttun there, nor would he lose that which he had vacated in his own. If the family of a kurdé fall sick or diminish, so that part of his lands be waste, the khote may place a stranger temporarily to cultivate his land, or may divide the waste part between the adjacent kurdés, but when the family becomes able to till their lands, they may eject the new tenants, or if they return to the village after many years' absence, they may eject them; if they never return, it

becomes *gyallee* land, and belongs to the khote. The jack-trees that gradually arise in the garden or field of a kurdé belong to the khote, who assesses all new trees from the year of their first bearing fruit, from half an anna to four annas each, according to their produce, those of Brahmins being assessed most lightly; and each new reiyut that settles in the village is assessed by the khote for ghurputtee and gaom khurch. These customs concern only that part of a khotee village which is permanently divided among the inhabitants, and which usually consists of about three-fourths of the village. The remaining fourth is called gaweek land, and its annual cultivation is managed by the khote: it is generally the worst part of the wurkus land; a part of it is cultivated by as many of the villagers (of all castes) as are able, for which they ask the khote's leave, but he depends chiefly on strangers who come annually to rent pieces of gaweek waste, and who are called badeekurees and doolundees, and are allowed by the khotes some small abatement in their grain payments, to encourage them to cultivate. Some of these are wuttundar kurdés of neighbouring villages, and some possess no land elsewhere. The khote has no claim on them for the monthly days of labour which he exacts from the working castes of his kurdés at reduced wages. The cultivators of gaweek land resemble the oopurees in the Deccan, the khotes standing in the place of Government.

"The cultivators under the khote, both kurdés and badeekurees, are called urdhelees and teerdhelees; the share of gross produce to be paid by them is fixed annually in every field by agreement between the khote and cultivator, who go round together a few days before harvest and settle it, by estimating the quantity of grain each field appears to contain, both parties endeavouring to better their own bargain in every field. A third part of the gross produce is the share assumed as their due by the khotes in middling wurkus land, from which variations are made according to the soil, the labour required, &c. In the worst hill-land about a fourth is taken, in good level wurkus more than a third; the uen grain, however, to be paid by each field is fixed in maunds and pailees, the share to be taken being merely understood, otherwise the khote might be subjected to a measurement in over-assessed fields. In rice-land half is taken, and still more in the best rice soils, and the batty is measured, not estimated. The fees due to the mhar and gooroo are paid by the cultivators, which increases the real payments for middling wurkus to about half the produce. The kurdé, too, pays for the annual sacrifices each field requires, but they are of little cost.

"In fields where the khote and his kurdé cannot agree as to the produce, they appoint a tirayut of the chief wuttundars; and as all the villagers are present with the khote at his survey, the payment is settled at once: this occurs frequently. The only check the kurdés have against false entries by the khotes, is their own recollection of the agreement made in each field. In cases of poverty or loss, the khote remits a little of the revenue, but not to a greater extent than four or five maunds in the whole village. In bad seasons the loss falls on the khote, as the kurdés pay only for the grain that thrives; and when the Sircar grants a remission for a bad season, the khote is consequently the only gainer. The contract of the kurdé is sometimes for the field itself, without reference to the crop; this is usual for the grain cultivated in the small gardens of the wuttundars, the payment being permanent in money. The Mahomedans from the coast rent small fields in this way to cultivate hemp for their nets, and the Brahmin kurdés, who till rice and level wurkus land, sometimes agree for the quantity of grain to be paid before ploughing. This last they call the settlement by khund, the money payment mukta, and the usual harvest inspection thul. To this annual survey of zerayut and bagayut may partly be attributed the low state of cultivation in khotee villages, since the kurdés have little motive to make improvements which would be annually taxed. These are a few of the customs concerning the land, and there are others which vary in different villages; each village has indeed peculiar customs on many points, which descend into trifling matters, and are observed by the villagers, who are unwilling to depart from the custom of their village."

29. These opinions on the respective rights of the khotes and their tenants were formed by Lieutenant Dowell, after a minute investigation of the tenures and customs obtaining in each village during the progress of the survey, the results of which he has left recorded in several large manuscript volumes, all written with his own hand. Two of these I have examined, and the following extracts from them are given, as bearing on the question at issue, and as examples of the information they contain:—

30. "In the khotee village of Oombree a kowl given in the time of Madoo Rao Peishwa, 1794 A. D., to a Brahmin, who made $1\frac{1}{2}$ beega of rice-land from wurkus, by Myput Rao Krishn Mamlutdar, by which the Brahmin had the field for twenty-one years free, four years istowa, and subsequently one quarter enam, which is held to this day. Below the enam puttr is a proclamation that any one who will form rice-land out of jungul gurk shall have one quarter enam and —— years free." This instance of a Government officer granting land in a khotee village is against the hypothesis of the khote being absolute proprietor of the soil.

31. "A piece of land was sold to a person for 26 rupees a beega, and a meras and enam puttr given to him by the khotes and zumindars of three villages in which it was situated. In the enam puttr it says that he, the enamdar, having called together the khotes and zumindars of the three villages, and they having found a piece of land (bewarusa) without an owner, gave it of their own consent to him as meras, with a meras puttr; so that he became owner and enamdar at once. This was in Madoo Rao Peishwa's time." This case is in favor of the right of the khotes to sell, with the sanction of the hereditary zumindars, gaweek land, or that without owners; but with equal force might be used to show that they have no such right over the land of the kurdés, or permanent residents.

32. The following is an instance of badekurrees acquiring a permanent tenant-right in a village where they do not reside:—"The same cultivators call themselves wuttundars (hereditary landowners or occupiers) of Pattrut and Kolwun (two villages, the latter without permanent residents). They have the whole of Pattrut in wuttun, which is their first wuttun. They have also the whole of Kolwun in wuttun, but this they say the khote divided among them formerly, and so made it their wuttun, and they still have each their own field in Kolwun; and the neighbouring cultivators ask them, and not the khote, about tilling the land. There is no khotekee gaweek land in either village, except the Wussar Gurhwanee (deserted village site)." This is a very instructive example of the mode in which a khote may assign away his gaweek land to tenants in hereditary occupancy or wuttun, most probably with the view of inducing them to bring the waste into cultivation.

33. As an example of the difficulties of obtaining correct information as to the various tenures, I would cite the following:—"In Pawus Muhal, on arriving, the khotes, and coonbees, and mhars, who came to the tent, agree in stating that the wuttundar coonbees, who are the khotes' kurdés, have no separate tikans (holdings) appropriated to each, and recognized and held in perpetuity by the coonbees under the khote, and not cultivated by strangers, except with the coonbees' consent. This information is, I find, in Warree Nimboo, and in Waghrat, untrue; having found, by inquires made of single coonbees in the fields in those two villages, that the coonbees have all wuttun land in perpetuity, and every village in the muhal has therefore probably the same,—as they have in Hautkambé and Kelé (two muhals or circles of villages). The khote and reiyuts of Chandwur stood a long examination without confessing this, having been previously instructed, probably."

34. Numerous similar examples might be cited from Lieutenant Dowell's notes, and all tending to prove the correctness of the opinion held by that officer, that, with the exception of the gaweek or gyallee land, which bears a small proportion to the whole, the land in khotee villages is divided among and held in perpetuity by the kurdés, or permanent tenants, whom the khote has no right to dispossess; and from whom he can

exact no more than the recognized share of the produce, and some additional cesses, according to the usage of the village. I am myself quite satisfied of the correctness of this view of the position of the khote and his permanant reiyuts, and, indeed, found that all the khotes whom I had opportunities of conversing with privately, during my short visit last season to the Konkun, indirectly admitted that they could not appropriate the land of a kurdé or permanent tenant, and give it to another party, without the consent of the former.

35. The data collected by Lieutenant Dowell refer only to the Rutnagiri talooka, but I was given to understand that the rights of the khotes are much the same in all parts of the Collectorate. They appear to me to fall very far short of an absolute proprietorship of the soil; and though the khotes hold among the members of their families much of the best land in khotee villages, they do so not in virtue of their being khotes, but of their being permanent cultivators. The rights of the khotes appear to me to be nothing more than might be anticipated to have grown out of their original position as farmers of the Government revenue. They were frequently, probably almost universally, at first, persons of some wealth and influence; and in the then disturbed and distracted state of the country the reiyuts were probably glad to have the khotes to stand between them and the revenue officers, and for this protection to put up with a good deal of oppression and injustice at their hands.

36. In the course of time, by fair means and foul, the members of the khotes' families became possessed of much of the best land, and the old proprietors were mostly obliged to content themselves with the inferior "wurkus," over which, however, their ancient rights have to a greater or less extent been continued to this date. In fact, so strong is the feeling of hereditary right, that, even in the case of a village peopled entirely by the efforts of the khote, the lapse of two or three generations would probably suffice to constitute a tenant-right in perpetuity in the opinion of the people; and any attempt on the part of the khote to oust a reiyut from a field which had descended to him under such circumstances, however acquired in the first instance, would be viewed as an act of glaring injustice and oppression. Any exercise by the khotes of absolute proprietary right over the lands of the permanent tenants, must, in my opinion, have originated in usurpation; for even the dharakurrees, who are said to have voluntarily become urdhelees, to escape the oppression of the Government officers, must have taken that step in order to retain possession of their lands, or some portion of them; and I do not think that any one familiar with the strong feeling of attachment entertained by the cultivators of this country for their paternal fields, would imagine that any circumstances of exaction would induce them to relinquish entirely a previously acknowledged hereditary right of occupancy. The dharakurree, without doubt, assigned away, in some instances, his rights as a superior holder to the khote; but, I think, for the purpose of preserving his still more cherished right of hereditary occupancy.

37. I am, therefore, inclined to think that the exercise of a power of dispossession towards the permanent tenants on the part of the khote, may fairly be viewed as based on usurpation, whereas the rights of the permanent tenants seem free from any such taint, and to have either been inherited from time immemorial, or to have naturally grown out of their position. The claims of the permanent tenants appear therefore to me to have, *prima facie*, a presumption of validity that does not attach to the counter-claims of the khotes.

38. The information contained in the compilation now forwarded on the relative positions and rights of the khotes and their tenants, appears to be sufficiently full for the purpose of enabling Government to decide as to the propriety of interfering for the purpose of adjusting or altering these; and I am of opinion that there is no necessity whatever for prosecuting further inquiries with this object, it being at the same time most unlikely that they would bring to light any important information that we do not already possess.

39. The tendency of our revenue administration has been all in favour of the khotes. At first we imagined them to be proprietors of their villages, and that all their cultivators were merely tenants-at-will; and in consequence of this view the revenue officers usually declined to interfere for the adjustment of disputes between the khote and his reiyut, by which the khote gradually acquired increased power. More recently, when the real position of the two began to be better understood, the system of non-interference had become too firmly established to be altered without careful consideration; and no decision, as far as I am aware, on this point has yet been arrived at, so that the khotes still retain most of the privileges allowed to them in the earlier years of our administration.

40. Before determining the future position of the khotes, there are two preliminary points for consideration:—1st, The competency of Government to interfere between the khotes and their reiyuts. 2nd, Supposing this competence to be admitted, the desirableness of such interference.

41. The first question may be readily disposed of, as it appears now to be generally admitted, both by philosophers and practical statesmen, that private property, with its rights and privileges, has no other basis for its existence than the general welfare of the community; and, consequently, that these rights and privileges may be modified for the promotion of the latter, in common with all other social institutions. All modern legislation proceeds upon this principle, whether acknowledged or not; and hardly a law can be passed which does not modify to a greater or less extent the pre-existing relations of the property affected by it. And in the case in point the privileges of the khote are neither of so long standing nor of such unquestioned authority as to require the observance of unusual scruple in dealing with them. The competence of Government in its legislative, if not in its administrative, capacity to regulate the relations of the khote and his reiyuts may therefore be conceded.

42. The second point demands further consideration, for although the miserable condition of the Konkun cultivator in khotee villages be notorious, this may not be wholly, or even chiefly, owing to the nature of his relations with the khote. My own opinion is that it is so only in part. The Rutnagiri Collectorate is naturally poor. With the exception of a few inconsiderable strips of fertile land along the banks of its rivers, the soil is miserably sterile, and quite incapable, under any circumstances, of supporting a thriving agricultural population. The country, too, is over-peopled, and the wretched poverty of the peasants is in great part attributable to this cause. It is strange to find an overflowing population on this side of India, and the fact is, I think, to be attributed to the salubrity of the climate, and to the almost universal practice of inoculating children for the small-pox, by which the mortality from this disease, so great in most parts of India, is reduced within very narrow limits.

43. Considerable quantities of grain are imported from the interior, and also coastwise; and I believe the agricultural products of the Collectorate do not suffice for the support of the population. The Collectorate has no manufactures of importance: and under these circumstances, it is not strange that the inhabitants, especially of the inland villages, have a hard struggle for subsistence. Women, and even children, share in the most toilsome field-work equally with the men; and the united labours of all often fail of supplying them with adequate food. The cultivators in villages which have not the resources of the sea at command, have almost universally a half-starved look, and many of them, I was informed, do not obtain a full meal for months together. The land cultivated by these people is so much subdivided, owing to their superabundant numbers, that it does not nearly suffice to afford them a maintenance. They eke out a subsistence by labouring for others, and cutting firewood, or they leave their villages altogether for a portion of the year in search of work. I feel satisfied that if the cultivators of this class were to have their present lands given to them wholly rent-free, they would not thereby be placed in easy circumstances, for the whole produce of the land would still prove

insufficient for their support; and I think it possible that their numbers might in such an event so increase as to leave them at the course of a generation or two no better off than before. They are hard-working and industrious; but the most resolute industry might fail of extracting an adequate subsistence from the sterile soil they have alone to work upon.

44. It seems to require explanation how, with a soil inadequate to raise food for the support of the population, and without manufactures of importance to exchange for the food and other articles imported, the Collectorate not only finds the means of obtaining these, but of yielding, besides, a large revenue to Government. This is accounted for by nearly the whole revenue collected being again returned to the Collectorate in payments to the public establishments, troops, and pensioners; by the large number of Konkunees in our army, who remit a portion of their pay to their homes; the numerous Konkunee Brahmins in public and private service throughout the country, whose home remittances must also be considerable; but the largest influx of money is perhaps owing to the poorer cultivators and labourers, who flock annually to Bombay in great numbers, as well as to all the surrounding regions where work is to be obtained, and return home again at the commencement of the cultivating season, with whatever they may have earned. By such means the deficit in the productive resources of the country is made up, and a subsistence is afforded to the existing population, as well as a revenue to Government, beyond what the Collectorate from its own resources could possibly furnish.

45. It may be remarked here, that the practice which has grown up of late years of recruiting our regiments more from Hindustan than from the Konkun, has operated greatly to the disadvantage of the latter territory. The villagers frequently mentioned to me with regret that the recruiting parties now seldom visit them, and that many of their finest young men had been vainly looking for years past for opportunities of enlistment. Hereafter, when this change begins to diminish the present numbers on the pension-list, its influence will be still more disadvantageous to the industry, and also to the revenue, of the Collectorate. In a financial point of view, there can be no question as to the advantage of recruiting the army of this Presidency from its own territory; and when, in addition to this, we have to consider the grave dangers to discipline that might result from a preponderance of Hindustanees in the Bombay, as well as in the Bengal army, it may appear worthy the attention of Government to consider whether it would not be desirable to institute inquiries into the present system of recruiting, with a view to ascertain all the facts connected with it, and to frame whatever regulations may appear desirable for limiting the number of recruits to be obtained from Districts beyond the limits of this Presidency.

46. Much of the poverty of the cultivating classes may thus be traced to causes independent of the relations between the superior and inferior landholders; but it can hardly be doubted that these also exercise in many respects a hurtful influence on the community. Owing to the undefined privileges of the khotes, and their disputed claims of absolute property in the soil, neither they nor their reiyuts have the advantage of a secure and fully recognized tenure; and there is, consequently, little inducement to invest capital in improvements. This circumstance alone would suffice to account for the backward state of the khotee villages compared with the koolargee.

47. The khote seems to be one of the worst of landlords, claiming a more absolute power over the soil than is allowed to him by the cultivators: his endeavour is to prevent the latter acquiring any additional rights, and to reduce them to the position of tenants-at-will. He is frequently so deeply involved in debt, and his wuttun so sub-divided amongst numerous sharers, that were his inclination ever so good, he could yet do nothing for the advantage of his village. He is supposed to collect as rent from the cultivators, who are styled urdhelees, teerdhelees, and chowthelees, one-half, one-third, and one-fourth of the produce, respectively; but in reality he may, and often does, collect much more, from the circumstance of there being no sufficient check upon his

Vide 5th para. of Mr. Collector Coles's letter, at page 504 of Compilation.

estimate of the crop, upon which his share is settled. The khote is supposed to make the tour of all the fields in the village, and settle with each cultivator the quantity of the crop on which his share is to be struck; but he often settles this without visiting the field at all, and in any case can compel the cultivator to accept of his estimate. Formerly, in case of a difference, it was usual to refer the dispute to arbitrators, but the khote has become so powerful that this expedient is of little avail.

Vide 26th para. of Lieutenant Dowell's Report, at page 282 of Compilation.

48. The demand on the cultivator is practically only limited by the pleasure of the khote, and, owing to this circumstance, it is vain, in my opinion, to anticipate that the former will participate in any benefit that would result from reducing the assessment or abolishing cesses in khotee villages; for the khote would have it in his power to appropriate to himself the whole relief afforded by such measures, by simply raising a little his estimate of the cultivator's crop on which his rent is settled, and there is nothing, so far as I am aware, to lead us to suppose that he would not adopt this course. At present he is generally supposed to collect all that his cultivators of the urdhelee and teerdhelee class can pay, and it is probable that he would continue to do so, whatever reductions may be made in the Government assessment. I therefore look upon every such reduction, in the present state of affairs, simply in the light of a boon to the khotes, and as of no effect at all in ameliorating the condition of the cultivators.

Vide 15th para. of Mr. Coles's letter, at page 527 of Compilation.

49. In khotee villages the practice of atveth, or of exacting gratuitous service from the urdhelee cultivators by the khotes, has now become a great grievance, and should, in my opinion, be abolished. Not only the khotes themselves, but the members of their families, are in the habit of requiring this service; and in addition to working in the khotee fields, they make the urdhelees attend upon them during their visits to other villages, and carry their palanquins and baggage. For this service, they give the urdhelees a scanty allowance of food while it lasts; but no remuneration besides. In former times, when land, compared with the numbers of the population, was abundant, and yielded a sufficient and easily obtained subsistence to all, the cultivators had plenty of spare time on their hands, and it did not materially interfere with their maintenance for the khote to require them to work for him at stated times. The case, however, is widely different now, when the urdhelee's lands often do not afford him a maintenance for more than a few months in the year, and he is dependent on his own labour for his subsistence during the remainder. The obligation of serving the khote requires him to stay at home when he might find labour abroad, and interferes in many ways with his procuring a subsistence. The atveth is of little value to the khote, and probably is hardly worth the food he supplies to the urdhelees when serving him.

Vide accompaniment to Mr. Collector Glass' Report, dated 5th May 1837, at pages 453—458 of Compilation, for the particulars of the service exacted by the khotes, and also para. 6 of Mr. Coles's letter dated 6th October 1849, at page 504.

Vide 3rd para. of Mr. Collector Elphinston's letter, dated 27th March 1845, at page 469 of Compilation.

50. The magnitude of the evils enumerated in the last paragraph seems to establish the second of the preliminary propositions stated in my 40th paragraph, viz. the desirableness of interference between the khotes and their reiyuts. The nature and extent of this interference remain to be considered.

51. One obviously desirable reform is the abolition of the atveth. The total abolition of this custom would not in any way be detrimental to the real interests of the khote, though it would probably curtail a little the parade with which he now travels, and induce him to substitute a pony, or perhaps his own legs, for the shoulders of his fellow villagers, as a means of conveyance. The continuance of the atveth is quite incompatible with much improvement in the condition of the cultivator, and as this compulsory service offers no countervailing advantages to any parties to compensate for the evils attendant on it, the time would appear to have come for putting an end to it. The khotes would lose little, in my opinion, by its abolition, and would hardly be entitled to compensation. In event of a survey, or any general revision of assessment, the abolition of the atveth might then conveniently be carried out; but even if no such revision take place, it should, I think, be done away with.

52. The abolition of atveth, however, would be far short of what is required to place the relation of the khote and the cultivators on a sound basis. The latter cannot, as far as

I can see, ever rise from their present position of poverty and degradation, while they continue completely dependent on the khote, as at present. We must, it appears to me, either determine to afford them adequate security against oppression on his part, and opportunities for bettering their own condition, or consent to confirm the khote in the absolute lordship of the soil, and of unlimited power over his dependent and starving peasantry. I can see no middle course that offers the smallest prospect of success. We should, I think, recognize the tenant-rights of the khote's cultivators, excepting, perhaps, in the case of gaweek land, and take measures for preserving these rights from encroachment on his part for the future. The peasantry are quite unequal to the task of upholding their own rights in opposition to the khote, and their condition will probably become still more wretched than at present, unless means be devised for preserving their status, independent of their own exertions.

53. In support of this view of the question, it may not be out of place to quote the opinion of Mr. Stewart Mill, who is generally admitted to be one of the ablest of living economists. When discussing the subject of peasant farmers, he says: " Rent paid by a capitalist, who farms for profit and not for bread, may safely be abandoned to competition; rent paid by labourers cannot. Peasant rents ought never to be arbitrary, never at the discretion of the landlord: either by custom or by law, it is imperatively necessary that they should be fixed; and when no mutually advantageous custom, such as the metayer system (of Tuscany), has established itself, reason and experience recommend that they should be fixed in perpetuity—thus changing the rent into a quit-rent, and the farmer into a peasant proprietor."

Vide vol. i. of his Political Economy, page 388, edition of 1848.

54. The teerdhelee and urdhelee reiyuts of the khotee villages are nearly all labourers farming for bread, not for profit: custom has established in their case, as in that of the metayers of Europe, a determinate proportion of the produce as rent; but I have endeavoured to show that this custom has become weakened in the course of our administration, and is likely to be eventually set aside altogether by the khotes, if matters be allowed to take their course. The intervention of Government seems absolutely requisite, therefore, to prevent the khotee reiyuts from sinking into the condition of mere tenants-at-will, obliged, by the difficulty of obtaining a subsistence, to accept whatever terms their landlord may offer, and burdened, besides, with the oppressive servitude of the atveth. Under such circumstances they would, probably, become debased and apathetic in character, and lose the industrious hard-working habits that now distinguish them. On the other hand, by taking measures for securing them against oppression on the part of the khote, and for giving them a real title to the soil they cultivate, they would be animated to fresh exertions, and we might expect to see, in the course of time, the khotee villages become as prosperous as those managed under the koolargee system.

55. With my limited acquaintance with the Konkun, and the details of its revenue management, it would be presumptuous in me to propose, with any confidence, the most suitable mode of attaining these objects. The suggestions I have to offer will necessarily be limited to the mere outline of a plan of settlement. They are submitted with much hesitation; and, if thought worthy of trial, would probably require considerable modification. The details of the changes proposed must unavoidably be left for settlement when adequate local experience shall have been obtained for the purpose.

56. The object of placing the reiyuts of the khotee villages in a position of adequate independence might, I think, be attained in two ways: 1st, By abolishing the office of khote, and by means of a survey apportioning the present assessment, or any other in lieu of it, upon the holdings of the permanent cultivators, and the occupants of gaweek land, with reference to their respective values; or by some other mode of distribution having reference to the past payments of these parties as chowthelees, teerdhelees, urdhelees, &c. as might on further local inquiry appear to be best.

57. By this arrangement, the khotes and the members of their families would not be dispossessed of any land they retain at present,—and they generally hold the best in their

villages,—but merely of the share of the grain-rents received by them from the reiyuts over and above what is paid by them to Government. This share, which constitutes the profit of the khote, is believed to be generally very small; but it would be requisite, taking into account the lengthened periods for which the khotee tenure has existed, to afford the khotes an equitable compensation for the loss of it. The khotee villages would thus become koolargee, and one system of revenue management would suffice for the whole Collectorate. The measure, however, would be an extreme one, and, involving the total abolition of all the rights and privileges of the khotes, would seem to require for its justification that these last do not admit of being modified or reformed so as to be compatible with the welfare of the villages where they obtain.

2nd, By defining the relations between the khote and his permanent tenants, so as to place a limit on the future demands of the former, and thus convert the latter into peasant proprietors holding under a fixed or quit rent.

58. The latter alternative would be difficult to carry out satisfactorily, by means of a commutation of the claims of the khote at their existing value, owing to the small probability of obtaining correct information respecting the existing usages as to payments by the tenants to the khotes. The recognised shares of one-half, one-third, and one-fourth, paid by the urdhelees, teerdhelees, and chowthelees, are seldom those really collected, and, in addition, the teerdhelees and chowthelees are subject to the payment of various cesses, differing in name and value, according to the usage of the villages where they obtain. Lieutenant Dowell, twenty years ago, found it impossible to obtain true statements of these particulars, owing to the influence of the khotes, and there is far less probability of obtaining them now.

59. In the North West Provinces, where the revenue system and tenures bear a strong resemblance to those of the khotee villages of the Rutnagiri Collectorate, such a specification of village tenures, rights, and usages, is drawn out at the time of survey by the aid of the villagers themselves; but there is little, if any, security for its accuracy, and none of the parties interested are bound to abide by its provisions. It is intended to be a record of existing rights and usages, but having no authority it can neither modify nor improve, and offers little security for even preserving these. A similar settlement might be made in the Konkun, but it would, I am persuaded, fail of securing or establishing adequate tenant-rights in the khotee villages.

60. This desirable end might possibly be accomplished without the aid of a survey and valuation of the land, by making it obligatory on the khote to grant receipts for all payments made to him by his reiyuts, as now done by the koolkurnees in koolargee villages, and to enter in his tenants' receipt-books the tenure by which they hold the land, and the estimate of the crop on which the khote's share is struck. This rule would have to be supported by some summary process for estimating the quantity of the tenant's crop, in event of his dissenting from the valuation of it made by the khote. This provision, indeed, would be indispensable for the security of the reiyut under any arrangement, by which his rent may continue to be paid, as at present, by a proportion of the crop. Possibly a punchayut of five or three members, of whom one should be the Police Patel of the village, or a Government Carkoon, and the remainder chosen equally by the khote and his tenant, might be found to answer the purpose; though I fear much that this, and indeed any other expedients for settling disputes between the khote and his tenant, would be found to work but indifferently at the outset of the experiment. It is probable, I think, that, for the convenience of both the khote and his tenant, the rent of the former would be continued at the same amount from year to year, so as to become in effect a quit-rent. It would be further desirable to confer on the tenant the right of converting this grain-rent into a fixed money-rent after the lapse of some specified period, at the average price of the grain paid by him to the khote during a certain number of preceding years.

61. Should the preceding plan be found inapplicable, a record might be framed of all the lands in each village held on the various tenures obtaining in it, and a share of the produce, as one-half, one-third, and one-fourth, &c. fixed for each tenure, as the maximum rent demandable by the khote from the permanent tenants; allowing him, however, to take what rents he may please within this limit, and also to arrange for the cultivation of the gaweek land in any way he may think best, excepting that no rent in excess of one-half of the gross produce be in any case levied. This plan could only be carried into effect by means of a survey, more or less rough, for the purpose of ascertaining and recording the area and position of the land held on the several tenures with maximum rents, as above explained. In this case, as in the former, the tenants should have the right of converting their grain-rents into fixed money-payments. The mode of settlement here suggested, by placing a limit to the demands of the khote, might have the effect of diminishing his rents; and could hardly, therefore, be equitably carried out, without revising at the same time the assessment paid by him to Government.

62. These two are the only arrangements that occur to me as likely to be serviceable in raising the position of the khotee tenantry. The plan of settlement followed in the North West Provinces might be carried into effect in the khotee villages, but I fear that it would afford little relief to the peasantry, and might lead to their becoming even more dependent on the khote than at present. It, too, would involve a survey more or less minute, for the purpose of determining the assessment to be paid by the khote.

63. Unconnected with the peculiarities of the khotee tenure, however, there are other features of the existing state of things open to objection, and seeming to call for change or improvement. In both khotee and koolargee villages the assessment is generally complained of as being oppressively high, and I think must have the effect of preventing the improvement of the land to the extent of which it is capable. In the koolargee villages improvements are still taking place by the digging of wells, recovery of lands from the sea by means of embankments, &c., but to a limited extent; and in the khotee villages the outlay of capital on such works appears to be still less. Cocoanut plantations form the most valuable culture in the Collectorate, and might be largely extended. In answer to my inquiries as to the cause of these trees not being more extensively planted, the general reply was, that people were afraid to lay out capital in such plantations, from an apprehension that a future survey would be made, when such gardens would be subjected to the garden assessment, which is often injuriously high. I was assured that if Government would pledge itself to assess no new gardens for the next fifty years, they would be extensively made. It is possible, however, that such a measure might lead to the desertion of some of the most heavily assessed old gardens, and that it would be a desirable preliminary to revise the existing assessment of the whole garden lands.

For this particular of the Land Revenue, vide Mr. Collector Reid's Report of 6th December 1828, pages 213—232, and Appendix B. to Lieut. Dowell's Report, pages 361—374 of Compilation.

64. The present system of estimating the Government assessment in produce, of which a portion is converted into money at fixed rates, and another portion, when not received in kind, at rates fixed with reference to the prices of the season, to which are added various cesses, is cumberous in the extreme, and gives rise to an immense deal of useless writing, and complication in the revenue accounts. These bulky compilations contain little information of real use, either to Government or to the reiyut. It would be a great improvement, and one presenting no unsurmountable practical difficulties in the way of its execution, to consolidate the present grain-rents and cesses into a fixed money-payment for each dhara (estate) and khotee village.

65. A grain-rent of fixed amount is also open to objection, on the score of pressing most heavily on the farmer in a year of scarcity, when his means are most crippled, for he has then to furnish the same amount of produce as in an abundant season, and the whole benefit of its enhanced price goes to the landlord. A grain-rent or assessment is thus highest in years of scarcity and lowest in years of abundance, which is a most unfavorable arrangement for the producer. A fixed money-rent, on the other hand, more nearly resembles a share of the net produce, for the grain for which it would

exchange will be greatest in a year of abundance when prices are low, and least in one of scarcity when prices are high, which is a greatly more favorable arrangement for the cultivator than a fixed grain-rent. The latter, however, has the great advantage of protecting the cultivator against an increase of assessment from a permanent fall in the prices of produce, to which he is always exposed when the assessment is fixed in money. This advantage, however, is only partially enjoyed by the Konkun cultivators, as part of the land-tax there, though nominally estimated in grain, is in reality a fixed money assessment; for it is converted into money at fixed rates, without reference to the market prices for the time being. Fixed grain and fixed money-rents have each their advantages and disadvantages: but in my opinion the fixed money assessment is much to be preferred, and its introduction into the Konkun would prove an important boon to the rent-payer, as well as be of great service in simplifying the Government accounts.

66. A serious obstacle to the progress and prosperity of the Collectorate is the obscurity resting on everything connected with landed property. The Government and village records contain no information whatever as to the boundaries of villages, estates, or minor sub-divisions, and there are no other records capable of supplying the deficiency. It becomes thus a matter of extreme difficulty to identify any particular piece of ground, and consequently to give a secure title of possession to the owner. Disputes concerning land are thus multiplied, and their adjustment rendered most difficult. They are carried in great numbers to the Civil Courts for adjudication, but the party obtaining a decree has, in nearly every case, to apply to the Court to place him in possession; and when this is attempted to be done, fresh litigants appear to bear further proceedings, on the plea that part of the land pointed out belongs to them. In this way half a dozen new suits may arise out of one original decree, and these may all be carried through the several Courts of Appeal, so that ten years may elapse before the party who obtained the original award can be placed in possession. A survey would remedy these evils in a great degree, but not altogether remove them, as the sub-divisions of landed property in the Konkun are frequently far too minute to admit of being made at a reasonable cost into separate survey fields or estates, bearing a distinct assessment. But, notwithstanding this, it would greatly facilitate the adjudication of any dispute concerning land, to know it to be situated within a certain survey sub-division, capable of easy identification by means of a village map, even although the latter might not exhibit the exact boundaries and dimensions of the land in question.

67. The want of any tolerable means of communication between different parts of the Collectorate is another great hindrance to progress. There are not even bullock-paths from many villages to the nearest market towns, and the whole of the produce sent there for sale is taken upon men's heads. Carts are unknown,—no attempt has been made to improve even the most frequented roads, or rather tracks, by which the chief traffic of the country has to be conveyed,—and in many parts the obstructions to transit are so great that their passage is positively dangerous to man and beast. Laden animals are jammed between rocks, obliged to slide down steep slopes of sheet rock, and to pick their way foot-sore among thickly strewed rolling stones. Nowhere have I seen a country more urgently in need of the improving hand of man to overcome the obstructions to communication interposed by nature, and yet no evidence of this is to be met with, saving the partial smoothing effected by the passage of men and animals for ages along the existing lines of communication; these remain to this day in a state of nature.

68. And yet a very trifling expenditure of skill and money would suffice to convert them all into very passable bullock-roads, and make some even available for wheeled carriages. The surface rock in most parts of the Southern Konkun is the laterite, which is so soft as to be easily removed without the aid of blasting, and forms itself, when properly smoothed, an excellent roadway. A few thousand rupees could not be more judiciously expended than in clearing the several ghauts and lines of road connecting them

with the chief ports of the Collectorate, by which a large traffic between the interior and the coast is now carried on. In addition to these, it would be of great advantage to clear at least three lines of road from one end of the Collectorate to the other, from north to south, viz. the present coast road, the central road, and that lying along the foot of the ghauts, by which a tolerable free means of communication would be established between the several districts of the Collectorate.

69. By these suggestions I do not mean to recommend the construction of regularly-formed roads, but merely the removal of obstructions from the present tracks, so as to convert them into serviceable roads for pack bullocks, and even carts, when no considerable difficulties intervene. The cost of doing this would be a mere trifle, while the improvement would be of incalculable advantage to the Collectorate.

70. In case of a survey being thought necessary, it may be well to consider of what kind it should be. The sub-divisions of land in the Konkun are so minute, and the country itself so rugged and difficult of access, that it would be a work of great time, cost, and labour, to survey separately the land of every proprietor. It would suffice, I think, in the case of rice and garden-land, and also in that of the more level portions of dry-crop land cultivated with the plough, to fix the limits and ascertain the area of the several dharas or estates in koolargee villages, and of the plots held on distinct tenures (urdhelee, teerdhelee, chowthelee, gaweek, &c.) in khotee villages. The limits of these estates and tenures on the steep hill sides, and other positions which only admit of hand-husbandry, might be left undetermined, as the difficulty of surveying them would be very great, and the land is so poor that the whole value of its fee simple would possibly not cover the cost of the operation. The boundaries of each village should, however, be surveyed with a view to the construction of a map of the whole area; and from this the total extent of hills and barren lands not surveyed in detail would be ascertained. Should a more minute survey at any future time appear desirable, it could be easily grafted on the operations required for the ascertainment of the above particulars, and no unnecessary expense would be incurred by so limiting the survey in the first instance.

71. The relative values of the plots into which the village would be sub-divided by this plan of survey could then be ascertained by means of a classification adapted to the peculiarities of the garden, rice, and dry-crop cultivations, so as to afford, with a record of the various tenures and other circumstances affecting the condition of the villages, sufficient materials for regulating the assessment when found to require amendment.

72. But in a densely-peopled district like the Konkun, where the land is generally considered to be private property, and has been extensively sold and transferred under various conditions, it would be well, I think, to make no change in this existing assessment that can be avoided. In villages where the present assessment is low, it is quite possible that population is denser and the land more sub-divided than in those where the assessment is high, so as to leave the individual holders no better off in the former than in the latter, and consequently equally unable to bear any increase of their present burdens. Land lowly assessed bears a higher price in the market, in consequence of its comparatively light assessment; and though periodical surveys and modifications of the assessment are features of the revenue management of the Konkun, it is to be borne in mind that the last survey took place so many years ago, as probably to have given to the landholders a feeling of trust in the continuance of the present assessment, or at least to have encouraged them to form their plans of life, as if no changes likely to increase their assessment would take place in their time. Government is, by the usage of the country, as well as on the general grounds of expediency, undoubtedly competent to revise and modify or alter the present assessment; but the circumstances of the Konkun are peculiarly those in which the utmost circumspection should be used before determining or altering a state of things which has subsisted in most parts for nearly a century. It might be found inexpedient to assess the land everywhere with reference to its value simply, as has been found practicable in the country above the ghauts, where the

population is thin, means of subsistence are abundant, and past assessments have been wholly wanting in the stability and endurance that have characterized those of the Konkun.

73. The present assessment of a large proportion of the Konkun villages is believed to be very burdensome, and it is probable that it would admit of being increased in very few instances indeed. A revision of assessment would most probably, therefore, occasion a considerable reduction of revenue, and this without any chance of the deficit being made good at some future time through an increase of cultivation ; for, as already explained in my 12th paragraph, the entire surface of the Collectorate is already under tillage. This, however, forms no valid reason against a revision, if found necessary for the welfare of the district, and this appears an object of sufficient importance to warrant the outlay necessary for its accomplishment ; but in order to arrive at a just conclusion as to the latter point, it seems very desirable to understand fully that no part of the expense of a survey would be repaid in the shape of an enhanced revenue, but that, on the contrary, the effect of such a measure would be a permanent reduction of the present land-tax.

74. I do not feel sanguine that the unpromising financial prospects of a survey would be compensated by any immediate or marked improvement which the measure might be expected to confer on the agricultural population. The chief causes of the poverty of the Konkun are its sterile soil and teeming population, and these a survey would fail in any degree to remedy. It might, however, be made the means of effecting many desirable reforms in connection with revenue management and landed tenures, as I have endeavoured to show, from which considerable good might eventually be anticipated ; but these reforms would be of comparatively slow operation, and their result would fall far short of the brilliant success that has followed the survey and revision of assessment of other parts of the country.

75. The question of undertaking a complete survey of the Collectorate would, perhaps, best be determined by means of an experimental survey and revision of assessment of detached villages. Several khotee villages are now under Government management, owing to the khotes having failed to discharge the assessment at which they are rated, and others may be expected every year to come into the same position. These might be surveyed and settled without difficulty, and the success or failure of the experiment in such instances would enable Government to decide as to the expediency of extending the survey to the khotee villages generally. Some of the koolargee villages, too, possessing facilities for an extension of garden cultivation, in which the present assessment is understood to be burdensome, and others also where it is supposed to be the reverse, might also be surveyed and re-assessed, in order to afford data for judging as to the feasibility of extending the survey to all the villages of this class.

76. A single officer of judgment and experience, with a small but efficient establishment of measurers, to which would have to be added a few classers when the operations are somewhat advanced, would suffice for the prosecution of this experiment, which might be brought to a close at the end of one or two seasons, by which time sufficient progress should be made to afford the means of judging of the result. This officer might have sole charge of the experiment, or be made subordinate to some one of the Superintendents of Survey ; and it would be very desirable, in my opinion, to leave the responsible Survey Officer uncontrolled in regard to all the details of the survey operations, and he should even be permitted to settle the assessment of a few villages, with the consent of the Collector, before being required to explain and record formally his plans and operations for the information and consideration of the Revenue Commissioner and Government. There can be no question that in an experiment of this kind it will not be possible to determine at the very outset the best modes of procedure. Several failures and fresh trials must be anticipated before success can be looked for ; and to hamper the judgment and proceedings of the settling officer, by requiring him to obtain the formal sanction

of Government to every step he may deem it desirable to take at this initiatory stage, would inevitably throw doubt and discredit upon the experiment, if it did not deprive it of all chance of success. Until the Superintendent can satisfy himself, by actual trial and successful execution, of the feasibility of any particular modes of survey and settlement, it would be obviously premature to require him to lay these before Government, or to bind himself to adhere to them. I feel satisfied that the best chance of success would be afforded by confining whatever instructions may be deemed requisite for his guidance at the outset to general principles, and to accord to him every possible latitude as regards details of execution.

77. In conclusion, I would crave the indulgent consideration of yourself and Government to the many defects of the present report, being fully sensible that I have not succeeded in mastering a difficult and complicated subject, though I have given my best attention to it; and apprehending that many of the opinions and suggestions it contains, and which are submitted for consideration with much hesitation, may appear to be crude and unsatisfactory.

I have the honor to be,

Sir,

Your most obedient servant,

(Signed) G. WINGATE,

Supt. Revenue Survey and Assessment, S. M. C.

Superintendent's Office, Camp Sunkleepoor,
Dharwar Districts, 30th January 1851.

No. 10555 of 1851.

Territorial Department,
Revenue.

To

E. G. Fawcett, Esq.,
Revenue Commissioner, Southern Division.

Sir,

I have been directed to acknowledge the receipt of your predecessor's letter, No. 1192, of 10th March last, transmitting a report from Captain Wingate on the subject of introducing a survey and revision of assessment in the Rutnagiri Collectorate.

2. The Right Hon'ble the Governor in Council postponed disposing of these papers until he could consult Captain Wingate, partly with a view of ascertaining whether he had the means of affording Government the assistance necessary to the prosecution of the Revenue Survey of Rutnagiri, so long since enjoined by the Hon'ble Court, but chiefly in order that His Lordship in Council might endeavour to mature some mode of operations adapted to the peculiarities of a Collectorate differing so widely as to tenures, customs connected with land, rights of property, and revenue administration, as Rutnagiri does from all parts of the Presidency in which it has hitherto been attempted to revise the assessment by means of a Revenue Survey.

3. Independent of these peculiarities, there are the great sub-division of the land, especially the rice and garden portions of it, and the hilly impracticable tracts over which the dry-crop cultivation is carried on,—serious difficulties, requiring to be considered and provided for in any well-matured plan of survey operations.

4. The Government are inclined to concur in an opinion which Captain Wingate has now expressed to the Right Hon'ble the President, that a preferable method to that suggested in the 70th paragraph of his report would be to measure off into sections, of any size found most convenient, the rice, garden, and portions of the dry crop land sufficiently level for the use of the plough, and to define the limits of these sections by boundary marks, when no natural marks are in existence, in a village map. The various fields and sub-divisions comprised in each of these sections should then be measured, classed, and assessed separately, and recorded as subordinate numbers within the section, and might also be shown upon a map of the section drawn on a larger scale than the village map, as was done in the case of the Kownaee Survey. The plan of operations here suggested is, in fact, the same as that proposed by Captain Wingate in a separate communication for Goozerat, excepting as regards the hilly portion of the dry-crop land, which Government agree with Captain Wingate in thinking it would not be worth while to attempt to survey, further than may be necessary for the purpose of laying down the boundaries of the village on the map. It is very possible the assessment of this land might be fixed in the lump, and then apportioned among the holders according to fractional shares settled with their concurrence, as in the case of the Kownaee dangs.

5. In the course of the survey, the particular terms on which each field is held, and the length of time it has been in the possession of the present holders and their ancestors, should be recorded in the survey papers, to afford data which might assist Government in determining the best mode of introducing the new assessment, and settling the various rights of the superior and inferior holders in koolargee villages.

6. His Lordship in Council has been pleased to authorize survey operations in the Rutnagiri Collectorate being undertaken at once, for the purpose of ascertaining what would be an equitable assessment, and for enabling Government to form an opinion as to the most suitable means of settling how this assessment is to be collected; but, in the opinion of his Lordship in Council, practical effect cannot be given to a settlement in khotee villages and kecheree (mixed) villages without the aid of legislation.

7. Putting aside the difficulty of obtaining true information as to the respective rights of the khote and his permanent tenants and his tenants-at-will, and the extent of land properly assignable to each, and supposing that all these particulars were ascertained, Government could not, by so doing, define the relations of these parties, or put a limit on the exactions of the khote for the future; and unless this can be done, the Governor in Council quite agrees with the opinion expressed in Captain Wingate's report, that it would be a waste of time and money to undertake the proposed survey at all.

8. To what extent it may be desirable to define or modify the relations of the khote and his tenants by legislative enactment, His Lordship in Council is not at present prepared to say; but for the purpose of affording fuller information in regard to this point, he is of opinion an experimental survey of some villages is required.

9. There would appear to be a considerable resemblance between the khotee tenure and that of the talookdaree mehals of the North West Provinces. In the settlement of the latter it appears, from a circular order of the Sudder Dewanee Adawlut to the several Civil Judges of their provinces, dated January 31st, 1845, and to be found at page 152 of the printed directions for revenue officers, published by the Agra Government, that Regulation VII. of 1822, of the Bengal Code, reserves to the administrative authority the privilege and power of determining and directing which of two parties, possessing interests of different kinds in such properties, shall be admitted to engage for the Government revenue, and of securing the rights of the remaining parties, as well as of prescribing the manner and proportion in which the net rent or profit arising out of the limitation of the Government demand shall be distributed among the different parties possessing an interest in the lands appertaining to a mehal.

10. Similar powers to those here mentioned are indispensable to any satisfactory settlement of khotee villages, and though the administrative authorities here might be considered competent to exercise such powers without the intervention of legislation, on the grounds of settlements having been made at various times by former Governments, the Governor in Council is of opinion that the most eligible course would be to place this beyond doubt, by conferring the requisite powers by legislative enactment.

11. Although the Governor in Council does not consider Government are yet in a position to specify the various particulars to be introduced into such an enactment, he is nearly satisfied that this power should extend to the abolition of the practice of "atveth," and the absorption of all cesses into a single tax upon the land, and to the determination of the rents to be paid by the permanent tenants to the khote, and to the assignment to the latter of a per-centage in lieu of all claims, (and this whether or no it is found desirable to collect the rents direct from the reiyuts instead of through him,) and to declare the occupancies of these reiyuts while in permanent occupancy, and possibly also of the tenants-at-will, to be transferable and saleable at their own pleasure, and also in satisfaction of the dues of Government or of the superior holder.

12. Much local knowledge is evidently requisite for a settlement of the khotee and subordinate tenures, and His Lordship in Council is of opinion, therefore, that the experimental operations above adverted to could only be satisfactorily prosecuted under the immediate supervision of the Collector, Mr. Townsend's proposition that the operations should be conducted by Captain Wingate in person being incompatible with the requirements for that officer's services in other quarters.

Para. 9 of Mr. Townsend's letter under acknowledgment.

13. You will be pleased to instruct Captain Wingate to detach Lieutenant Kemball to Rutnagiri, with a small establishment of measurers and one or two classers, in the course of the present season, as soon as arrangements can be made for supplying his place; and in the mean time to instruct Mr. Coles to select a few villages, both koolargee and khotee, conveniently situated for the prosecution of the experimental survey. It would be desirable to select villages in which the present assessment is understood to be oppressive, more particularly in the case of the khotee villages, as the khotes of such villages would probably voluntarily and gladly accede to any arrangements that might be proposed for their future management, in the manner as above contemplated.

14. During the prosecution of the experimental survey Lieutenant Kemball is to remain attached to his present department, but will receive a deputation allowance of ten Rupees a day; his accounts should be distinct, and he himself be responsible for all the disbursements connected with the experiment, the Collector being authorized to meet his applications for advances for this purpose, which would be adjusted afterwards, on Lieutenant Kemball's bills for expenditure being passed, according to the practice followed in the other surveys.

15. Lieutenant Kemball should, while so employed, continue subordinate to Captain Wingate on all points connected with the interior management of his establishment, also in regard to the survey operations generally, in so far as may not interfere with the instructions he may receive from Mr. Coles. The latter officer is also to be authorized to correspond freely with Captain Wingate on all points connected with the projected operations upon which he may be desirous of consulting him.

16. Copy of your letter and the present reply will be sent direct to Captain Wingate and to Mr. Coles.

I have the honor to be, &c.,

(Signed) H. E. GOLDSMID,
Secretary to Government.

Bombay Castle, 8th November 1851.

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on 27 November, 2018